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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,816

06/12/2007

Helmut Tiesler-Wittig

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01/28/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SEMBER, THOMAS M

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

01/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,816	<b>Applicant(s)</b> TIESLER-WITTIG, HELMUT	
	<b>Examiner</b> Thomas M. Sember	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-8 and 17-23 is/are allowed.
- 6) ☐ Claim(s) 9-12 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Aida et al '388. Aida et al '388 discloses a lamp body 5 having a gas vessel with an inert gas contained therein, a lamp base (1 and 5a), a reflector housing (6), a transparent face (3), and an electronic circuit (1) for operating the lamp, wherein the lamp base (1 and 5a) and the electronic circuit (1) are positioned in proximity (or near) to the transparent face 3.

Regarding claim 11, the electronic circuit (1) is positioned in the lamp base (1 and 5a).

Regarding claim 12, the lamp base (1 and 5a) comprises a lamp body holder 5a and a lamp socket 5b, and wherein only the lamp body holder 5a is positioned in proximity (near) to the transparent face 3.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2885

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aida et al '388 in view of Lesch et al '360. Aida et al '388 discloses the claimed invention except for the teaching that electrical supply lines for supplying the electronic circuit are arranged at or in the lamp body such that they screen off the lamp body against electromagnetic interference radiation issuing therefrom. Lesch et al '360 teaches electrical supply lines (13, 15 and 16) for supplying the electronic circuit are arranged at or in the lamp body such that they screen off the lamp body against electromagnetic interference radiation issuing therefrom. It would have been obvious to one skilled in the art at the time the invention was made to modify the lamp of Aida et al '388 to include electrical supply lines for supplying an electronic circuit arranged at or in the lamp body of Aida et al '388 as taught by Lesch et al '360 in order to screen off the lamp body against electromagnetic interference radiation issuing therefrom.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2885

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aida et al '388. Aida et al '388 discloses the claimed invention except for the teaching that transparent lens is glass. It would have been obvious to one skilled in the art at the time the invention was made to substitute glass for the transparent lens of Aida et al '388 since such a substitution would have merely been an obvious engineering design choice of known material to make lenses in the illumination art.

#### ***Allowable Subject Matter***

4. Claims 1, 3-8 and 17-23 are allowed. Claims 1, 3-8 and 17-23 are allowable for the reasons stated in applicant's amendment and response filed on 11/07/08.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 9-12 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 9, the applicant argues that Aida et al '388 fails to teach the feature of the lamp base and the electronic circuit being positioned in proximity to the transparent face. The examiner disagrees. As broadly claimed Aida et al '388 teaches a lamp base (1 and 5a) and the electronic circuit (1) being positioned in **proximity (which as broadly interpreted means "near" or "adjacent")** to the transparent face 3.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 9 a.m.- 5.30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas M Sember/  
Primary Examiner, Art Unit 2885